

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRYAN FERNANDEZ, et al.,	:
	:
Plaintiffs,	: 16 Civ. 2762 (GWG)
	:
-V.-	: <u>ORDER</u>
	:
HR PARKING INC., et al.,	:
	:
Defendants.	:
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**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

As the Court has previously indicated, “the critical issue in this case” is “whether the parties intended to be bound in the absence of a document executed by both sides.” Order of September 3, 2021 (Docket # 189) (quoting Winston v. Mediafare Ent. Corp., 777 F.2d 78, 80 (2d Cir. 1985)). The defendants’ submissions on the motion to enforce fail to provide a clear factual narrative of what took place between the parties before the filing of the joint letter (Docket # 177) on which the Court relied when adjourning the jury trial.

The Court does not understand why this evidence has not been presented to it. Accordingly, the attorneys are directed to appear at a telephonic conference at which the Court will explore this matter further. The conference shall take place on Wednesday, October 20, 2021, at 10:30 a.m. At this time, the parties shall dial (888) 557-8511 and use access code: 6642374. (The public may also dial in but will be permitted only to listen.) When dialing in to the conference, the parties must be in a quiet indoor location and must not use a speakerphone. A telephone line and microphone technology with optimal quality should be used.

The Court will record the proceeding for purposes of transcription in the event a transcript is ordered. However, any other recording or dissemination of the proceeding in any form is forbidden.

Each attorney is directed to ensure that all other attorneys on the case are aware of the conference date and time. In addition, any requests for an adjournment must be made in compliance with Judge Gorenstein’s rules (available <https://nysd.uscourts.gov/hon-gabriel-w-gorenstein>).

SO ORDERED.

Dated: October 18, 2021  
New York, New York

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge